

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL NO. 1:08CV430

IN RE:	)	
	)	
EVERETT ANEILLO McCOLLUM and	)	
BARBARA PHILLIPPE McCOLLUM,	)	Adv. Case No. 08-10159
	)	
Debtors.	)	
_____	)	
	)	
EVERETT ANEILLO McCOLLUM,	)	
	)	
Appellant,	)	
	)	
Vs.	)	<u>ORDER</u>
	)	
TERESA P. VEA,	)	
	)	
Appellee.	)	
_____	)	

**THIS MATTER** is before the Court on notice from the Case Administrator of the Bankruptcy Court filed October 9, 2008, that the Appellant has failed to comply with Federal Rule of Bankruptcy Procedure 8006.

Appellant filed a notice of appeal on September 12, 2008, but has failed to file a designation of items for inclusion in the record on appeal or a statement of issues. Rule 8006 provides in pertinent part:

Within 10 days after filing the notice of appeal . . . the appellant shall file with the clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented.

**Fed. R. Bankr. R. 8006.**

Bankruptcy Rule 8001(a) provides in pertinent part:

Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court . . . deems appropriate, which may include dismissal of the appeal.

**Fed. R. Bankr. R. 8001(a).**

Appellant has taken no steps since mid-September to perfect the appeal and has not provided any explanation for what appears to be abandonment thereof. Failure to comply with the Rules of Bankruptcy Procedure prejudices the bankruptcy estate and its creditors because it delays the proceedings and continues to keep alive a proceeding which should have long since been completed. The Court, therefore, provides notice to the Appellant that it contemplates dismissal of the appeal.

**IT IS, THEREFORE, ORDERED** that the Appellant advise the Court in writing within 10 days from entry of this Order of any explanation for the failure to perfect this appeal; and in the event that compliance with this Order is not timely made, the above-captioned appeal shall be summarily dismissed for failure to comply with Rule 8006 and to prosecute the appeal.

Signed: October 15, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

